

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA <u>ex rel.</u> ,)	
ERVIN AND ASSOCIATES, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 96-CV-1258
)	(LFO)
)	Civil Action No. 99-CV-1698
THE HAMILTON SECURITIES GROUP,)	(LFO)
INC., <u>et al.</u> ,)	
)	
Defendants.)	
)	
)	
_____)	

ORDER

It is this 7th day of January 2004 hereby

ORDERED: that, for reasons stated in the accompanying memorandum, defendant Hamilton's motion for partial judgment with respect to Count VII of the Second Amended Complaint is **GRANTED**, and it is:

FURTHER ORDERED: that Hamilton's motion for partial judgment with respect to Counts I, III, IV, V, VI, and VIII of the Second Amended Complaint is **GRANTED** because Ervin failed to identify or introduce evidence in either its pretrial statement or at trial in support of the allegations contained in these Counts. And it is:

FURTHER ORDERED: that Hamilton's motion is **DENIED** with respect to Count IX, related to the North and Central note sale. That transaction occurred arguably after Hamilton should have known enough about all of the errors and problems with the

West of Mississippi sale to place the burden on Hamilton to demonstrate that the errors' replication is not actionable gross negligence in the extreme. And it is:

FURTHER ORDERED: Hamilton's motion is **denied** with respect to Count II (related to the Single Family Offering), Counts XIII and XIV (related to the Williams, Adley 8(a) contract), and Counts XV and XVI (related to the cross-cutting contract).

And it is:

FURTHER ORDERED: that all pending evidentiary objections are overruled. And it is:

FURTHER ORDERED: that the qui tam trial is scheduled to resume on Monday, March 15, 2004 at 10:00 a.m. in Courtroom 3, at which time Hamilton may put on its case in defense unless the parties have reached a settlement of the pending action.

DATED: January 7, 2004

Louis F. Oberdorfer
UNITED STATES DISTRICT JUDGE